

LEGISLATIVE BILL 227

Approved by the Governor June 2, 2005

Introduced by Louden, 49; Aguilar, 35; Erdman, 47; Howard, 9; Smith, 48;
Stuhr, 24

AN ACT relating to veterans; to amend section 12-1301, Revised Statutes Supplement, 2004, section 37-420, Reissue Revised Statutes of Nebraska, as amended by section 6, Legislative Bill 54, Ninety-ninth Legislature, First Session, 2005, and section 6, Legislative Bill 162, Ninety-ninth Legislature, First Session, 2005, and section 37-421, Reissue Revised Statutes of Nebraska, as amended by section 7, Legislative Bill 162, Ninety-ninth Legislature, First Session, 2005; to change provisions relating to the funding of veteran cemeteries and veteran hunting and fishing permits; to provide operative dates; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 12-1301, Revised Statutes Supplement, 2004, is amended to read:

12-1301. (1) The Director of Veterans' Affairs may establish and operate a state veteran cemetery system consisting of a facility in Box Butte County, a facility in Sarpy County, and the Nebraska Veterans' Memorial Cemetery in Hall County. The director may seek and expend private, state, and federal funds for the establishment, construction, maintenance, administration, and operation of the cemetery system as provided in this section. Any gift, bequest, or devise of real property for the cemetery system shall be subject to the approval requirements of section 81-1108.33 notwithstanding the value of the real property. All funds received for the construction of the cemetery system shall be remitted to the ~~state treasurer~~ State Treasurer for credit to the Veteran Cemetery Construction Fund. No revenue from the General Fund shall be remitted to the Veteran Cemetery Construction Fund for use in the construction of the state veteran cemetery system. Any funds remaining in the Veteran Cemetery Construction Fund following the completion of construction of the three facilities comprising the state veteran cemetery system shall upon such completion be transferred to the Nebraska Veteran Cemetery System Endowment Fund, and the Veteran Cemetery Construction Fund shall thereafter terminate.

(2)(a) A trust fund to be known as the Nebraska Veteran Cemetery System Endowment Fund is hereby created. The fund shall consist of:

(i) Gifts, bequests, grants, or contributions from private or public sources designated for the maintenance, administration, or operation of the state veteran cemetery system;

(ii) Any funds transferred from the Veteran Cemetery Construction Fund following the completion of construction of the three facilities comprising the state veteran cemetery system; and

(iii) Following the termination of the Veteran Cemetery Construction Fund, any funds received by the state from any source for the state veteran cemetery system.

(b) No revenue from the General Fund shall be remitted to the Nebraska Veteran Cemetery System Endowment Fund. The Legislature shall not appropriate or transfer money from the Nebraska Veteran Cemetery System Endowment Fund for any purpose other than as provided in this section. Any money in the Nebraska Veteran Cemetery System Endowment Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. ~~Only the earnings of the Nebraska Veteran Cemetery System Endowment Fund may be used as provided in subsection (3) of this section. No portion of the principal of the Nebraska Veteran Cemetery System Endowment Fund shall be expended for any purpose except investment pursuant to this subdivision.~~ All investment earnings from the Nebraska Veteran Cemetery System Endowment Fund shall be credited on a quarterly basis to the Nebraska Veteran Cemetery System Operation Fund.

(3) There is hereby created the Nebraska Veteran Cemetery System Operation Fund. Money in the fund shall be used for the operation, administration, and maintenance of the state veteran cemetery system. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. ~~No revenue from the General Fund shall be remitted to the Nebraska Veteran Cemetery System Operation Fund.~~

(4) The director may make formal application to the federal government regarding federal financial assistance for the construction of any of the facilities comprising the state veteran cemetery system which is located in a county with a population of less than one hundred thousand persons when he or she determines that the requirements for such assistance have been met.

(5) The director may make formal application to the federal government regarding financial assistance for the construction of any facility comprising a portion of the state veteran cemetery system located in a county with a population of more than one hundred thousand persons when sufficient funds have been remitted to the Nebraska Veteran Cemetery System Endowment Fund such that (a) the projected annual earnings from such fund available for transfer to the Nebraska Veteran Cemetery System Operation Fund ~~in each of the next succeeding five years~~ plus (b) the projected annual value of formal agreements that have been entered into between the state and any political subdivisions or private entities to subsidize or undertake the operation, administration, or maintenance of any of the facilities within the state veteran cemetery system, has a value that is ~~equal to or exceeds one hundred twenty-five percent of the projected annual cost of~~ sufficient to fund the operation, administration, and maintenance of the three facilities comprising the state veteran cemetery system in each of the succeeding five years any cemetery created pursuant to this subsection.

(6) The director may expend such funds as may be available for any of the purposes authorized in this section.

(7) The director, with the approval of the Governor, may enter into agreements for cemetery construction, administration, operation, or maintenance with qualified persons, political subdivisions, or business entities. The director shall provide lots in the cemetery system for the interment of deceased veterans with an honorable discharge or its equivalent and their spouses, minor children, and unmarried adult children who were physically or mentally disabled and incapable of self-support. Section 12-501 does not apply to the state veteran cemetery system.

(8) The Veteran Cemetery Construction Fund is created. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. ~~Any money in the Veteran Cemetery Maintenance Fund on July 16, 2004, shall be transferred to the Veteran Cemetery Construction Fund.~~

(9) The Nebraska Veterans Cemetery Advisory Board is created. The board shall consist of seven members. One member shall be the director who shall serve as the chairperson of the board. Three members of the board shall be veterans appointed by the Governor from a list of candidates forwarded by the county board of each county within which a state veteran cemetery system facility is located. Three members with experience in cemetery administration or operation, one from each congressional district, shall be appointed by the Governor. The members of the board shall receive no compensation but shall be reimbursed for their actual and necessary expenses in the discharge of their duties as provided in sections 81-1174 to 81-1177. The board shall meet from time to time as requested by the director to review the status of the state veteran cemetery system, to recommend actions to facilitate the development of the system, to assist in fundraising from public or private sources for the construction, operation, administration, and maintenance of the system, and to advise the director on the most appropriate actions for the state to undertake in the development of the system and the priorities for action.

(10) The director may adopt and promulgate rules and regulations to carry out this section. The rules and regulations shall include requirements for proof of residency, cost of burial if any, and standards for cemeteries, including decorations and headstones.

Sec. 2. Section 37-420, Reissue Revised Statutes of Nebraska, as amended by section 6, Legislative Bill 54, Ninety-ninth Legislature, First Session, 2005, and section 6, Legislative Bill 162, Ninety-ninth Legislature, First Session, 2005, is amended to read:

37-420. (1) Any veteran ~~of any war as defined in section 80-401.01~~ who is a legal resident of the State of Nebraska and who was discharged or separated with a characterization of honorable or general (under honorable conditions) shall be exempt from the payment of any fees provided by the laws of the State of Nebraska and established by the commission pursuant to section 37-327 for the privilege of fishing or hunting in Nebraska if the veteran:

(a) Is rated by the United States Department of Veterans Affairs as fifty percent or more disabled as a result of service in the armed forces of the United States; or

(b) Is receiving a pension from the department as a result of total and permanent disability, which disability was not incurred in the line of

duty in the military service.

(2) The exemption described in subsection (1) of this section shall not extend to the privilege of commercial fishing, trapping of fur-bearing animals, or hunting for deer, antelope, wild turkey, or any other species of fish and game on which the open season is limited to a restricted number of permits or to special permits for a restricted area or game management unit.

(3) If disabled persons are unable by reason of physical infirmities to hunt and fish in the normal manner, the commission may issue special permits without cost to those persons to hunt and fish from a vehicle, but such permits shall not authorize any person to shoot from any public highway.

(4) All permits issued without the payment of any fees pursuant to this section shall be perpetual and become void only upon termination of eligibility as provided in this section.

(5) The commission may adopt and promulgate rules and regulations necessary to carry out this section.

(6) Permits issued under subdivision (3) of this section as it existed prior to the operative date of this section shall not expire as provided in section 37-421.

Sec. 3. Section 37-421, Reissue Revised Statutes of Nebraska, as amended by section 7, Legislative Bill 162, Ninety-ninth Legislature, First Session, 2005, is amended to read:

37-421. (1) The commission may issue an annual combination fishing and hunting permit upon application and payment of a fee of five dollars to (a) any Nebraska resident ~~who is a veteran of any war as defined in section 80-401.01,~~ who is sixty-four years of age or older, and who was discharged or separated with a characterization of honorable or general (under honorable conditions) or (b) any Nebraska resident who is sixty-nine years of age or older. A person who is issued a permit under this section shall be exempt from the payment of any additional fees provided by the laws of the State of Nebraska and established by the commission pursuant to section 37-327 for the privilege of fishing or hunting in Nebraska, except that such exemption shall not extend to the privilege of commercial fishing, trapping of fur-bearing animals, or hunting for deer, antelope, wild turkey, or any other species of fish and game on which the open season is limited to a restricted number of permits or to special permits for a restricted area or game management unit.

(2) A permit issued as provided in this section shall expire as provided in section 37-405. Permits issued under this section as it existed before the operative date of this section shall not expire as provided in section 37-405.

(3) If disabled persons are unable by reason of physical infirmities to hunt and fish in the normal manner, the commission may issue special permits without cost to those persons to hunt and fish from a vehicle, but such permits shall not authorize any person to shoot from any public highway.

(4) The commission may adopt and promulgate rules and regulations necessary to carry out this section.

Sec. 4. Sections 2, 3, and 5 of this act become operative on January 1, 2006. The other sections of this act become operative on their effective date.

Sec. 5. Original section 37-420, Reissue Revised Statutes of Nebraska, as amended by section 6, Legislative Bill 54, Ninety-ninth Legislature, First Session, 2005, and section 6, Legislative Bill 162, Ninety-ninth Legislature, First Session, 2005, and section 37-421, Reissue Revised Statutes of Nebraska, as amended by section 7, Legislative Bill 162, Ninety-ninth Legislature, First Session, 2005, are repealed.

Sec. 6. Original section 12-1301, Revised Statutes Supplement, 2004, is repealed.